

In re Application of: Senior et al.
Application No.: 09/364,220

REMARKS

In the application, claims 1 through 4, 6, 7, 9, 10, 12 through 15, 19, 38, and 39 are pending. No claims currently stand allowed.

The Office Action dated June 11, 2003, has been carefully considered. The Office Action rejects all pending claims under 35 U.S.C. §103(a) as obvious over a combination of U.S. Patents 5,848,266 ("Scheurich") and 5,687,167 ("Bertin").

Scheurich teaches a method for a transmitter sharing a communications channel to alter the coding of a time-varying signal (e.g., a video feed) in response to changes in the amount of bandwidth on the channel available for use by the transmitter. By using the Scheurich method, the transmitter attempts to transmit the "best possible" signal at all times, where "best possible" varies over time with the amount of available bandwidth.

Bertin teaches a method for reallocating bandwidth among devices using a common communications medium. When a request is received for more bandwidth than is currently available, the bandwidth allocated to other devices can be taken away in order to satisfy the request.

In the present Amendment B, the claims are amended to more distinctly point out the role of the policy used to decide how to reallocate bandwidth when such a reallocation is deemed necessary. The specification on page 19, line 1, through page 20, line 25, and page 24, line 26, through page 25, line 12, discusses some preferences that can be implemented in the policy. For example, an application with which a user is currently interacting can be given a higher priority for bandwidth than an application that is running quietly in the background. These preferences can be set by the user or as system defaults.

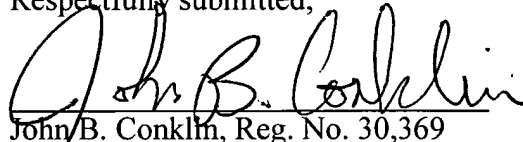
Neither Scheurich nor Bertin, singly or in combination, discusses or hints at this aspect of policy preferences. Neither does the current Office Action address this aspect. As all of the currently pending independent claims, and therefore all of the claims that depend from them, include this feature, they should be found to be patentable over the cited art.

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Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John B. Conklin", is written over a horizontal line.

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